REMARKS

Claims 1-6, all the claims pending in the application, stand rejected. Claims 1-6 are cancelled. New claims 7-22 are added and better define the invention.

Specification

The Examiner asserts that the title is not descriptive and requires a new title that clearly indicates the invention as claimed. Applicant has amended the title to read "METHOD OF AND DEVICE FOR EXCHANGING ELECTRONIC MESSAGES BY DIVIDING AND MERGING MESSAGES TO BE TRANSMITTED, AND COMPUTER PRODUCT". This change uses the terms "messages" and "transmitted," which are believed to most accurately define the invention, in connection with the message dividing and merging function.

Claim Rejections - 35 U.S.C. § 112

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner asserts that claims 1, 2 and 6 include a limitation that is indefinite, specifically "from the result of the analysis deciding whether to transmit the electronic document to some other destination device <u>or</u> deciding the destination of the electronic document that is to be relayed." The Examiner asserts that it is not clear exactly what is intended by the limitation, particularly since the two elements joined by the conjunctive "or" appear to mean the same thing. The Examiner asserts that deciding "to transmit a document" is similar in scope as "deciding the destination" for a relay. In other words, both involve transmitting.

Applicants respectfully submit that the phrase is intended to convey the meaning "to decide whether to transmit or not, and the destination to if the decision is to transmit" or "to decide whether to transmit or whether to cancel, and the destination if the decision is to transmit" as explained in page 5, lines 12 to 17 of the specification in the present application. That text is intended to recite:

> If the message control section 2 decides that the document is not to be relayed, that specific document is deleted. On the other hand, if the message control section 2 decides that the document is to be relayed, then the document is converted to a format that is acceptable by the destination device and a

transmission output is generated. This transmission output is generated as a transmission waiting list for each transmission destination at a message output side interface.

Applicant notes that the description at page 5, lines 2-20 appear to contain a readily apparent typographical error by including the word "not" in line 15. Also, it is intended to say that the section determines whether to relay the document and decides where to relay the document. The application has been amended to reflect this interpretation. Thus, the Examiner's construction of the limitation to mean transmit or relay the electronic document, as stated at page 3 of the Office Action is correct.

With regard to claims 1-6, the Examiner interprets the phrase "electronic document" to encompass an electronic message or any one line log message, as explained at paragraph [0016-0018]. The Examiner questions whether the word "document" may be misused to mean "message," instead of a long message in a document.

The term "electronic document" appears to have been a mistranslation and the term should be replaced with "electric message." Applicant has amended the specification accordingly.

Finally, with regard to the rejection of claims 1-6, these claims have been cancelled, rendering the rejection moot. Replacement claims 7 to 22 have been drafted in a manner that is intended to overcome the indefiniteness identified by the Examiner and to be consistent with the terminology of the claims.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Costales et al (6,044,395). This rejection is traversed for at least the following reasons.

First, the rejection is rendered moot by the cancellation of the claims.

Second, the present invention as set forth in new independent claims 7, 14 and 21 concerns, respectively, a device, a method and a program product for exchanging electronic messages between a plurality of devices, including a source device and a target device. The

invention in each case is defined by the function of analyzing the electronic message received from a source (M) and storing the message in a storage for plural messages. It also includes the function of analyzing the message and deciding whether or not to merge the electronic message into a combined message, so that a single combined message can be transmitted. Finally, based on the analysis, the electronic message is merged and the merged message transmitted to a target device.

The invention in dependent claims 11, 18 and 22 further define an additional function of analyzing the electronic message received from a source (M) and deciding whether or not to divide the electronic message into plural parts, so that the message can be transmitted as plural parts. Finally, based on the analysis, the electronic message is divided and the parts transmitted to a target device.

Other dependent claims specify that the decision for merger or division may be based on message length or, in the case of merger, number.

The requirement for merging, alone or with dividing a message to be transmitted in accordance with a predetermined length or number of the electronic messages, is an alternative process provided by the message separating section 3 and message merging section 4, which ensure efficient and effective assembly of the documents into predetermined lengths for optimal transmission in a final step of the process. These features are explained at pages 7 and 8 of the application. The memory stores a queue of documents as a single electronic document, as explained at page 8, lines 11-13. On the basis of the definition in the present claims, Applicant respectfully submits that the claim would be distinguishable over Costales.

Costales

The Costales reference concerns a method and apparatus for distributing personalized email. As noted from the flowchart in Fig. 3 of Costales, messages are analyzed for common content chunks at step 301 and, subsequently, the common content chunks are separately transmitted (step 304) from the individual messages with content chunk pointers. The content chunks are subsequently inserted into individually messages at step 312.

The Examiner's analysis identifies steps of analyzing the electronic message (construed to be a document) with regard to the teachings at col. 4, lines 13-15 and Fig. 3, step 301. The Examiner also finds a transmitting unit, which transmits the electronic document to a destination device with regard to Fig. 2, device 202. The flaw in the Examiner's analysis is that he identifies a dividing/merging unit which divides or mergers documents to be relayed, with regard to the teachings at col. 2, lines 33-59 and Fig. 3, steps 304, 306 and 312. The Examiner notes that the multiple email messages are divided with common chunks separated out and subsequently merged at a final destination. The Examiner asserts that this is in accordance with a predetermined length of the electronic document and allowable stay times, with reference to col. 9, lines 35-63.

However, there is no merger on the message prior to transmission. This is a feature of the present invention that ensures optimal and consistent transmission of messages. Thus, all of the claims are patentable due to the absence of any merging feature in Costales.

With regard to claims 11, 17 and 22, which are directed to the added feature of dividing a message into plural message parts, the Costales et al reference does not teach such combination of features. By contrast, the present invention is characterized in that the device for exchanging electronic messages divides and merges the messages received from a source device, and transmits the divided or merged messages to a target device. This is quite different from Costales et al.

Claim Rejections - 35 U.S.C. § 103

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Costales, as applied to claim 2, and further in view of Inoue (5,694,543). This rejection is traversed for at least the following reasons.

First, the rejection is moot in view of the cancellation of claim 3.

Second, the Examiner looks to Inoue for a teaching of a stop message to the substitution and response section via the network to stop transmission of responses for polling requests from

a serve unit when a monitor time exceeds a predetermined time, with reference to col. 3, lines 30-35. This feature is not claimed and so the citation of Inoue is not relevant.

Third, Inoue does not remedy the deficiency in Costales with regard to a merging feature at the transmitting unit or a combination of merger and division if messages at a source unit. Thus, the claims would be patentable because the combination of Costales and Inoue do not teach this feature of the invention.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Costales, as applied to claim 2, and further in view of Mercola et al (4,959,833). This rejection is traversed for at least the following reasons.

First, the rejection is moot in view of the cancellation of claim 5.

Second, the Examiner admits that Costales fails to teach a storing or keeping an electronic document in a waiting list until the allowable stay time has elapsed. The Examiner looks to Mercola et al for the storing feature.

The error in the Examiner's analysis is that Costales does not teach the dividing/merging unit as claimed. Mercola does not remedy this deficiency, as it is cited solely for teaching storing original message blocks in a buffer for a length of time and transmitting the message blocks after that period of time. Thus, Applicants respectfully submit that the claims would be patentable over the combination of prior art cited by the Examiner.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 CFR 1.111
09/898,001

     The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

                                  Respectfully submitted,

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